

UNITED STATES DISTRICT COURT 18 APR - 7 PM 3:21

SOUTHERN DISTRICT OF CALIFORNIA

BY: *EC* DEPUTY

**ARREST ON OUT-OF-DISTRICT OFFENSE**

CASE NUMBER: '08 MJ 1079

The person charged as DeOliveira, Waldir now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the \_\_\_\_\_ District of Massachusetts on 12/27/07 with: Title 18 USC 3583 in violation of:

**Violation of the conditions of his supervision imposed by the court.**

The charging documents and the warrant for the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: 04/07/08

Steve Purinton  
CI -Deputy United States Marshal

Reviewed and Approved

DATE: 4/7/08

*Waldir DeOliveira*  
Assistant United States Attorney

Case 1:04-cr-10016-NG Document 45 \*SEALED\* Filed 12/27/2007 Page 1 of 1

AO 442 (Rev. 08/07) Warrant for Arrest

## UNITED STATES DISTRICT COURT

District of MASSACHUSETTS

UNITED STATES OF AMERICA

## WARRANT FOR ARREST

V.

Case Number: 1:04-cr-10016-NG

Waldir DeOliveira

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest \_\_\_\_\_

Waldir DeOliveira

Name

U.S. MARSHAL SERVICE  
BOSTON, MA

2001 DEC 28 A 3:01

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

- Indictment       Information       Complaint       Order of court  
 Pretrial Release       Probation       Supervised Release       Violation Notice  
 Violation Petition      Violation Petition      Violation

charging him or her with (brief description of offense)

 in violation of Title \_\_\_\_\_ United States Code, Section(s) \_\_\_\_\_ in violation of the conditions of his or her pretrial release imposed by the court. in violation of the conditions of his or her supervision imposed by the court.

Nancy Gertner

/s/ NANCY GERTNER

Name of Issuing Officer

Signature of Issuing Officer

USDJ

12/27/2007

1 Courthouse Way, Boston, MA

Title of Issuing Officer

Date and Location

## RETURN

This warrant was received and executed with the arrest of the above-named individual at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

**United States District Court**  
**for the District of Massachusetts**  
**Petition and Affidavit for Warrant or Summons for Offender Under Supervision**

**Name of Offender:** Waldir DeOliveira

**Case Number:** 1:04-CR-10016

**Name of Sentencing Judicial Officer:** The Honorable Nancy Gertner, United States District Judge

**Date of Original Sentence:** 2/17/05

**Date of Sentence on First Violation:** 11/21/05

**Date of Sentence on Second Violation:** 11/21/06

**Original Offense:** Mail Fraud, in violation of 18 U.S.C. § 1341; and False Personation of a United States Officer or Employee, in violation of 18 U.S.C. § 912

**Offense on First Violation:** Terminated from the Directions of Recovery Residential Drug Treatment Program

**Offense on Second Violation:** Failure to notify the probation officer at least 10 days prior to any change in residence or employment.

**Original Sentence:** 21 months' imprisonment followed by 3 years supervised release

**Sentence on First Violation:** Time Served followed by 30 months supervised release

**Sentence on Second Violation:** 11 months' imprisonment to be followed by 24 months supervised release

**Type of Supervision:** Supervised Release

**Date Original Supervision Commenced:** 8/25/05

**Date Supervision Commenced:** 11/21/05

**Asst. U.S. Attorney:** Seth Berman

**Defense Attorney:** Syrie Fried, Federal Defender

**PETITIONING THE COURT**

- To issue a warrant  
 To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

**Violation Number**    **Nature of Noncompliance**

- I.            **Violation of Standard Condition No. 2: The defendant shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.**

A. The probation officer mailed a letter to the defendant's Somerville residence instructing him to report to the probation department on 11/29/07 at 9am. The defendant failed to report as instructed and he failed to contact the probation officer.

B. The probation officer mailed a letter to the defendant's Somerville residence

**Petition and Affidavit for Warrant or Summons  
for Offender Under Supervision**

instructing him to report to the probation department on 12/6/07 at 9am. The defendant failed to report as instructed and he failed to contact the probation officer.

C. The defendant failed to submit a monthly supervision report for the month of November, 2007. As such, he has failed to notify the probation officer of his current address or his current form of employment.

**II.**

**Violation of Standard Condition No.2: The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.**

A. The probation officer left a voicemail message on the defendant's cellular phone instructing him to call the probation officer on 11/15/07 to discuss the current status of his residence and employment. The defendant failed to call the probation officer.

B. The probation officer left two voicemail messages on the defendant's cellular phone instructing him to call the probation officer on 12/11/07 to discuss the current status of his residence and employment. The defendant failed to call the probation officer.

**III.**

**Violation of Standard Condition No. 5: The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.**

The defendant reported to the probation officer that he was employed by Short Stop Delivery Company, delivering bread for owner Jorge Vinha. The probation officer contacted Mr. Vinha on 12/20/07, and he stated that he never hired the defendant. As such, the status of the defendant's employment is unknown to the probation department.

**IV.**

**Violation of Standard Condition No. 6: The defendant shall notify the probation officer at least 10 days prior to any change in residence or employment.**

A. The probation officer's last contact with the defendant at his residence was on 9/27/07. Since that date, the probation officer's attempts to reach the defendant at his Somerville residence have been unsuccessful. At this time, his whereabouts are unknown to the probation officer.

Prob 12C

- 3 -

**Petition and Affidavit for Warrant or Summons  
for Offender Under Supervision****U.S. Probation Officer Recommendation:**

The term of supervision should be:

 Revoked Extended for year(s), for a total term of years. The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Reviewed/Approved by:

Respectfully submitted,

By \_\_\_\_\_

---

Brian McDonald  
Supervising U.S. Probation Officer

---

Nicole Monteiro  
U.S. Probation Officer  
Date: 12/21/07**THE COURT ORDERS**

- 
- No Action
  - The Issuance of a Warrant
  - The Issuance of a Summons
  - Other

---

Signature of Judicial Officer

---

Date